THE HON'BLE Ms. JUSTICE G. ROHINI

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WRIT PETITION No.2153 OF 2006

Dated: 17th March, 2006.

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Between:

Galam Srinivasarao … Petitioner

And

1. The Superintendent of Police, W.G. District,

Eluru and 7 others. … Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

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WRIT PETITION No.2153 OF 2006

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ORDER :

This writ petition is filed seeking a declaration that the action of the respondents and their subordinates from interfering with the exhibition of Games of Skill such as (i) Ring Throw (ii) Bottle Game Ball Box (iii) Balloon Shooting (iv) Dart Throw and (v) Steel Articles Games etc. as arbitrary and illegal.

In response to Rule Nisi ordered, the 8th respondent – Sub-Inspector of Police, Tanuku Town, E.G. District filed a counter-affidavit stating that on 10-1-2006 when the respondents inspected the spot it was found that the petitioner and 2 others were conducting illegal games and therefore he arrested them under a cover of Mediators' report and registered Cr.No.9 of 2006 under Sections 3 and 4 of the A.P. Gaming Act, vide S.T.C.No.4 of 2006 on the file of II-Additional Judicial First Class Magistrate, Tanuku is still pending.

The learned Counsel for the petitioner while relying upon the decision of this Court in W.P.No.16414 of 2003 contended that no permission is required to conduct the skill games and therefore the action of the respondents is arbitrary and illegal.

The learned Government Pleader submits that though no permission is required to conduct the skill games, since it was found that the petitioner was conducting illegal games, the respondents cannot be found fault with and the action of the respondents is in accordance with law.

Having regard to the averments in the counter-affidavit which stood unrebutted, it is clear that the petitioner, on the date of inspection by the respondents was not merely conducting skill games but he was conducting games of gambling and betting.

In the circumstances, the Writ Petition is disposed of with a direction to the respondents not to interfere with the lawful activities of the petitioner. However, it is made clear that it is open to the respondents to take appropriate action in accordance with law in case the petitioner indulges in illegal activities.

No costs.

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G. ROHINI, J.

Dt. 17/03/2006

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